

REMARKS

The present amendment is in response to the Office Action dated September 10, 2007. Claims 1-5, 7-14, 23-30, and 32-43 are now present in this case. No Claims have been amended. No additional Claims are canceled. No new claims have been added.

The undersigned requests the examiner schedule a phone interview prior to writing the next office action.

Claims 1-4, 7-10, 13-14, 23-25, 27-30, and 32-35 stand rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,735,702 to Yavatkar et al. combined with U.S. Patent No. 6,842,781 to Lavian et al. The applicant respectfully traverses this rejection and request reconsideration.

The current Office Action maintains the rejection from the previous Office Action, using a combination of the intrusion detection system of Yavatkar and the central network management system of Lavian. The Office Action finds this combination discloses the following element of Claim 1:

“receiving a request from a central server at a software agent program installed on each of a plurality of remote computers to initiate intrusion detection services on each respective one of the plurality of remote computers, wherein the request is issued by the central server in response to a notification of a network intrusion;”

The Office Action states that Yavatkar is silent about operational control by a central server. (see Office Action, page 5.) Yavatkar is not silent about centralized control. Yavatkar explicitly describes disadvantages of centralized control and the advantages of decentralized operation. The applicants demonstrated in their response to the previous Office Action that there was no suggestion to combine the decentralized intrusion detection system of Yavatkar with centralized network management system of Lavian. (Previous Office Action, page 11.) Furthermore, the applicants demonstrated Yavatkar teaches away from such a combination. *E.g.*, “Mobile agents may determine, without exchanging information or commands from a central location or operator, which path to take to further investigate an attack.” (Yavatkar, column 4, lines 30-35.) The

current Office Action does not dispute that Yavatkar teaches away from combining with Lavian. Instead, the current Office Action asserts that Lavian makes a suggestion to combine: “providing a server for sending [a] request to a software agent to access other remote devices would allow the agent to perform [the] task at [a] critical moment when [an] attack is detected.” (Current Office Action, page 2 citing for support Lavian column 3, lines 22-50.) The applicants respectfully disagree that Lavian makes this suggestion.

Lavian discloses a centralized network management system that incorporates some degree of de-centralization by taking many network management tasks traditionally performed on a centralized network management server and shifting these tasks to software agents on devices in the network. (Lavian, Abstract; column 1, lines 35-50; column 3, lines 30-32.) Lavian discloses providing a server for sending requests to software agents. (Lavian, column 3, lines 23-50.) However, Lavian never discloses or mentions anything about an attack or countering intrusions to a network, much less that sending requests to an agent would allow the agent to perform tasks at a critical moment when an attack is detected. Furthermore, Lavian never discloses that the motivation of its system is to allow the agent to perform any critical task. On the contrary, the motivation in Lavin is the opposite, to shift mundane tasks to the agents while retaining critical tasks with the centralized server. *E.g.*, “This reduces the processing load and frees up NMS [Network Monitor Server] 116 so that it can process more critical tasks.” (Lavin, column 3, lines 25-33.) Thus Lavian also teaches away from a combination with Yavatkar.

For at least these reasons, claim 1 is allowable over the combination of Yavatkar and Lavian. Claims 2-4, 7-10, and 13-14 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

The Office Action makes rejections of independent Claims 23 and 30 that similarly use a combination of Yavatkar and Lavian and restate the same motivation from Lavian to combine that the Office Action stated in the rejection of Claim 1. As the applicants demonstrate above regarding Claim 1, Yavatkar explicitly teaches away from centralized control. Lavian does not provide such a motivation and in fact teaches away from the combination of Yavatkar and Lavian. For at least this reason, the applicant

believe that Claims 23 and 30 are allowable over the combination of Yavatkar and Lavian. Claims 24, 25, 27-29, and 32-35 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claims 5, 11, 12, 36-38, and 41-43 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Yavatkar et al., combined with U.S. Patent No. 6,842,781 to Lavian et al., and U.S. Patent Publication No. 2002/0003884 to Sprunk. The applicant respectfully traverses this rejection and request reconsideration.

Claims 5, 11, 12, and 41-43 are dependent on Claim 1, and Claims 36-38 are dependent on Claim 30. The Office Action relies on the same combination of Yavatkar and Lavian as applied to the base Claims 1 and 30 (the Office Action incorrectly states Claim 23). As the applicants demonstrate above regarding Claim 1, Lavian and Yavatkar do not provide a motivation to combine and in fact, each teaches away from a combination of Yavatkar and Lavian.

Sprunk does not cure this deficiency. As the applicants demonstrated in their response to the previous Office Action, Sprunk is directed to techniques for authorizing video download files. Sprunk is concerned with preventing a virus within a particular computer to prevent unauthorized access to the video file downloaded to that computer. This is significantly different from a network intrusion. Furthermore, Sprunk does not suggest any software agents or anti-intrusion software installed on the plurality of remote computers.

For at least these reasons, the applicant believe that Claims 5, 11, 12, 36-38 and 41-43 are allowable over the combination of Yavatkar and Lavian.

Claims 26 and 39-40 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Yavatkar et al., Lavian et al. combined with U.S. Patent Application No. 6,401,238 to Brown et al.. The applicant respectfully traverses this rejection and request reconsideration.

Claims 26 is dependent on independent base Claim 23 and Claims 39-40 are dependent on independent base Claim 1. The Office Action relies on the same combination of Yavatkar and Lavian as applied to the base Claims 1 and 23. As the applicants demonstrate above regarding Claim 1 and 23, Lavian and Yavatkar do not

provide a motivation to combine and in fact, each teaches away from a combination of Yavatkar and Lavian. Brown does not cure this deficiency.

Claim 26 adds an additional element to base Claim 23:

“wherein said intrusion detection server changes the number of said plurality of computers executing intrusion detection software depending on the time of day.”

Against this, Brown is cited in the current and previous Office Actions as disclosing a deployment of applications based on time of day. In the applicants’ response to the previous Office Action, the applicants demonstrated that Brown is unrelated to any intrusion detection technology and thus lacks any motivation to combine it with Yavatkar and Lavian. The current Office Action did not respond to this argument and merely repeated the same rejection. The applicants repeat their argument and respectfully ask the examiner to respond.

For at least the reasons stated above, the applicants believe Claims 26, 39, and 40 are allowable over the combination of Yavatkar, Lavian, and Brown.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,

Arturo Maria

Davis Wright Tremaine LLP

/Philip R. Hunt, Reg. #58,044/

Philip R. Hunt

PRH:gatc
1201 Third Avenue
Suite 2200
Seattle, Washington 98101
Phone: (206) 757-8029
Fax: (206) 757-7029
2142041_1.DOC